

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  U S WEST COMMUNICATIONS, INC., n/k/a QWEST CORPORATION	DOCKET NOS. INU-00-2 SPU-00-11
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**CONDITIONAL STATEMENT REGARDING  
CHANGE MANAGEMENT PROCESS COMPLIANCE**

(Issued June 6, 2002)

On February 10, 2000, the Utilities Board (Board) issued an order initiating an investigation relating to the possible future entry of U S WEST Communications, Inc., n/k/a Qwest Corporation (Qwest), into the interLATA market. The investigation was identified as Docket No. INU-00-2.

The Board noted in its March 12, 2002, conditional statement regarding general terms and conditions that Liberty was unable to address one issue in its September 24, 2001, report. That issue was the change management process (CMP). The issue was discussed briefly at 14 – Change Management Process.<sup>1</sup> Qwest and the competitive local exchange companies (CLECs) have been involved in an extensive collaborative effort in an attempt to resolve CMP issues that apply to Qwest's operational support systems (OSS).

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<sup>1</sup> March 12, 2002, Conditional Statement pp. 39-40.

Qwest made a filing on February 19, 2002, to update the status of this process. In that filing, Qwest proposed that CLECs and other participants to this proceeding be given a reasonable amount of time to file comments on the status report. The Board deferred its consideration of the CMP issue until all participants had been given an opportunity to respond to the February 19, 2002, filing. The Board directed that responsive filings be made on or before March 19, 2002.

AT&T Communications of the Midwest, Inc., and AT&T Local Services on behalf of TCG Omaha (AT&T) and Covad Communications Company (Covad) filed comments on March 19, 2002. However, those comments were not particularly enlightening to the current status of Qwest's CMP progress. Many of the attachments to those filings were in fact copies of previous filings made in other states and predated information that Qwest provided in its February 19, 2002, filing with the Board.

Qwest has continued to file monthly CMP status reports detailing progress from the CMP redesign meetings held with CLECs. On April 9, 2002, Qwest filed a brief, asserting its CMP was compliant with Federal Communications Commission (FCC) requirements. On April 23, 2002, AT&T and Covad filed a joint brief on Qwest's CMP alleging that the process was still noncompliant with FCC requirements.

On April 26, 2002, the Board issued another request for comments regarding the compliance of Qwest with CMP requirements. Qwest and a group of joint CLECs (including AT&T, Covad, and WorldCom) filed comments.

CMP is a component of checklist item 2 – Access to Unbundled Network Elements. Parts of the CMP were tested in the Regional Oversight Committee (ROC) OSS test. The following excerpt appears in the "Evaluation Overview" section of the operations support systems (OSS) evaluation report submitted by KPMG Consulting, Inc. and Hewlett-Packard Consulting and filed with the Board on May 29, 2002 by Qwest:

The Change Management test involved various aspects of the processes, methods, procedures, and systems that Qwest has in place to develop, publicize, evaluate, and implement changes to Qwest's Wholesale Operational Support System (OSS) interfaces and business processes.

Beginning in July 2001, Qwest began replacing its former Co-provider Industry Change Management Process (CICMP) with a new Change Management Process (CMP). CMP distinguishes between the Systems CMP that governs changes to electronic interfaces, and the Product/Process CMP that governs changes to wholesale products and processes.

Many aspects of the New CMP are documented and currently operational. Many of the evaluation criteria associated with these aspects of the Change Management test were satisfied.

However, Qwest and CLECs are still working on other important aspects of CMP, which were either too new, or not yet mature enough to evaluate. Accordingly, KPMG Consulting was not able to verify that Qwest:

- Adheres to the new System CMP's procedures and systems that track information such as descriptions of proposed changes, key notification dates, and change status;

- Adheres to the new System CMP's schema for Change Request (CR) prioritization and severity coding;
- Complies with notification intervals and documentation release requirements of the new System CMP;
- Has adequately defined and documented all aspects of the new Product/Process CMP;
- Has fully implemented procedures and systems in place in the new Product/Process CMP to track information such as descriptions of proposed changes, key notification dates, and change status;
- Adheres to the new Product/Process CMP schema for the prioritization and for severity coding; and
- Complies with notification intervals and documentation release requirements of the new Product/Process CMP.<sup>2</sup>

Several of the tests relating to CMP were concluded with a result of "unable to determine," and Qwest has chosen to argue that the unresolved tests are inconsequential to Section 271 compliance.<sup>3</sup> Thus, on May 6, 2002, the Board issued a "Request for Comments Regarding Closed/Unresolved Observations and Exceptions in the ROC OSS Test." AT&T filed comments on May 10, 2002.<sup>4</sup>

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<sup>2</sup> Qwest Communications OSS Evaluation, Final Report, Version 2.0, p. 17.

<sup>3</sup> Qwest Corporation's Summary of Closed/Unresolved Observations and Exceptions in the ROC OSS Test and Qwest Corporation's Comments Demonstrating Satisfaction of the FCC's Section 271 Change Management Evaluation Criteria, Docket No. INU-00-2, filed May 3, 2002.

<sup>4</sup> AT&T's Comments on Closed/Unresolved Observations and Exceptions in the Regional Oversight Committee's Test of Qwest's Operational Support Systems, Docket Nos. INU-00-2 and SPU-00-11, filed May 10, 2002.

The CMP is described in section 12.2.6 and Exhibit G of Qwest's Statement of Generally Available Terms (SGAT). The CMP provides a forum for CLECs and Qwest to discuss and implement changes to Qwest's products, technical documentation, OSS interfaces, and processes that would result in changes to Qwest or CLEC operating procedures. Qwest and CLECs continue to meet to work on the redesign of Qwest's CMP. As changes to CMP occur, they are to be reflected in Exhibit G. Qwest maintains the most recent version of Exhibit G on its CMP website.<sup>5</sup> As noted above, Qwest continues to file monthly CMP status reports on meetings held with CLECs to redesign CMP.

The FCC has outlined the following five criteria for a compliant change management plan:

(1) That information relating to the change management process is clearly organized and readily accessible to competing carriers; (2) that competing carriers had substantial input in the design and continued operation of the change management process; (3) that the change management plan defines a procedure for the timely resolution of change management disputes; (4) the availability of a stable testing environment that mirrors production; and (5) the efficacy of the documentation the BOC makes available for the purpose of building an electronic gateway.<sup>6</sup>

In addition to proving that it meets the five criteria, the FCC requires BOCs to demonstrate a pattern of compliance or adherence to the plan over time.<sup>7</sup>

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<sup>5</sup> <http://www.qwest.com/wholesale/cmp/whatiscmp.html>

<sup>6</sup> *SWBT Texas 271 Order*, released June 30, 2000, ¶ 108.

<sup>7</sup> *Id.*

The Joint CLECs do not challenge Qwest's compliance for all the above criteria, per se. They argue that Qwest's noncompliance falls into the following four categories: (1) the information relating to the remaining real "core" CMP documentation is not yet clearly organized and readily accessible; it's not even complete; (2) Qwest does not provide a stable testing environment that mirrors production; (3) Qwest has not demonstrated a pattern of compliance or adherence to its CMP over time; and (4) Qwest's work to make its technical publications and PCAT consistent with the SGAT is incomplete.<sup>8</sup> The Board will discuss each of these arguments separately.

**I. BECAUSE QWEST HAS NOT COMPLETED THE CMP DOCUMENT SUCH THAT IT CONTAINS THE REAL CORE PROVISIONS, IT CANNOT MEET THE FCC'S FIRST CRITERIA.**

The Joint CLECs state that the parties have assembled a priority list of issues to address and place into the redesigned CMP document. This priority list is what the CLECs and Qwest agree to be an adequate CMP plan for the FCC's purposes. While the parties have agreed to conceptual resolution of the issues on the priority list, Qwest must still complete the "language drafting" related to resolution of those issues and place that language into the "Master Redlined" CMP document. Until that task is complete, Qwest cannot demonstrate that its CMP is reflected in a single document, as required by the FCC or that its "information relating to the change management process is clearly organized and readily accessible."

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<sup>8</sup> Comments of Joint CLECs, filed May 6, 2002, p. 3.

The Joint CLECs note the task of finishing the language and placing it in the CMP document should be concluded in June 2002. Qwest is asking the Board to examine and rule upon a draft CMP document - one that does not contain all of the "core" requirements. Considering that the FCC is not particularly interested in drafts and that the CMP document forms the basis for what Qwest must adhere to over time, it is hard to imagine how one could conclude that Qwest meets the FCC's criteria based upon such a draft. The Board should simply demand that Qwest finish the job and then submit the CMP document for review.

Qwest states that the parties reached agreement in principle regarding all 12 of the more important category "1" issues and on eight of the ten less significant category "0" issues. The CLECs characterize these agreements as vague and to be finalized later. Contrary to this characterization, detailed proposals have been developed for all of the agreements except a single issue. This single issue relates to provisions for the exception process. The parties have agreed in principle, and they have agreed that this issue is not controversial.

The only two issues for which the parties have not reached agreement in principle do not relate to language that will be incorporated into the CMP document. Covad Issue #3 relates to how Qwest identifies retail changes that may impact CLECs. The parties have discussed this issue at length and reviewed Qwest's documented processes. Indeed, the Joint CLECs admit in their brief that they believe that Qwest has implemented "adequate processes to ensure timely and adequate notification to wholesale customers of retail changes that impact them as well as to

ensure parity between Qwest's retail and wholesale customers."<sup>9</sup> The only other issue, raised by WorldCom, relates to how Qwest will prove that it has implemented the changes it has agreed to make. Neither of these issues has any impact on the sufficiency of Qwest's CMP document. The fact that minor changes may be made to the CMP through the final review process by the redesign team does not affect Qwest's compliance with the implemented process.

Qwest's recent SGAT filing shows the CMP process incorporated into Exhibit G.<sup>10</sup> SGAT section 12.2.6 states "[f]ollowing completion of the CMP, Exhibit G will be subject to change through the CMP process.

The Joint CLECs argue, that because the CMP is not complete, it is noncompliant. Qwest contends that basic agreement on all issues impacting 271 compliance has been reached. Qwest acknowledges that there is still language to be completed on smaller issues. By all indications, the final language will be completed in June. The Joint CLECs appear more concerned over completion than the content of the final language.

The fact that some final language is not yet complete should be considered in light of the fact that the CMP, itself, may never be complete. Both Qwest and the Joint CLECs appear to acknowledge that more changes, still undetermined, will need to be agreed upon and drafted in the future, as noted in SGAT section 12.2.6. The

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<sup>9</sup> Joint CLEC Brief, filed April 23, 2002, p. 15.

<sup>10</sup> Notice of Updated Statement of Generally Available Terms and Conditions, Docket No. INU-00-2, filed May 24, 2002.



FCC also acknowledged that CMP "completion" is not a necessary requirement for Section 271 compliance when it noted:

We do not expect any change management process to remain static. Rather, a key component of an effective change management process is the existence of a forum in which both competing carriers and the BOC can work collaboratively to improve the method by which changes to the BOC's OSS are implemented.<sup>11</sup>

The Board has determined that Qwest has met the FCC's first criteria for a compliant CMP "because information relating to the change management process is clearly organized and readily accessible to competing carriers."

**II. BECAUSE QWEST DOES NOT PROVIDE A STABLE TESTING ENVIRONMENT THAT MIRRORS PRODUCTION, IT CANNOT MEET THE FCC'S FOURTH CRITERIA.**

This issue relates to the adequacy of Qwest's Stand-Alone Test Environment (SATE - pronounced "sauté"). SATE allows a CLEC to test Qwest's interconnect mediated access and electronic data interchange (IMA-EDI) functions. SATE allows a CLEC to test its interface in an environment that returns pre-defined test scenarios that mimic production responses. Qwest provides the account data and scenario information to users through the IMA-EDI Data Document for SATE. Through SATE, CLECs are provided a self-contained, production-like environment for sending transactions. This gives CLECs the opportunity to experience an environment that acts like production IMA-EDI without interfacing with the actual production environment. SATE uses test account data and requests that are subjected to the

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<sup>11</sup> *SWBT-Texas 271 Order*, ¶ 117.

same IMA-EDI edits as those used in production. SATE also permits a CLEC to perform regression testing to determine whether systems changes on its end will affect its ability to interface via EDI with Qwest.

The Joint CLECs point to the testing of the SATE in the ROC OSS test. KPMG identified three "Exceptions," 3077, 3095, and 3109, which remain unresolved. The Joint CLECs provided the Affidavit of Timothy M. Connolly.<sup>12</sup> Mr. Connolly stated that the unresolved exceptions indicate that the SATE fails to provide the safeguards the FCC required in other 271 proceedings.

Qwest maintains its interface testing fully satisfies Section 271. Numerous CLECs have tested EDI interfaces and gone to production using Qwest's SATE. The ROC test results show, for the most part, Qwest has satisfied the test criteria. The issues remaining unresolved in the ROC test go beyond FCC requirements for 271 compliance, and they are not significant enough to affect the conclusion that Qwest has met the checklist requirements.

### **Exception 3077**

The FCC requires that the regional Bell operating company (BOC) provide CLECs with a stable testing environment that mirrors the production environment.<sup>13</sup> KPMG found the "IMA EDI SATE does not provide sufficient testing capabilities for

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<sup>12</sup> Affidavit of Timothy M. Connolly (Joint CLECs), filed May 6, 2002.

<sup>13</sup> *Bell Atlantic-New York 271 Order*, released December 22, 1999, at ¶ 109.

CLECs prior to connecting to Qwest's production systems."<sup>14</sup> Exception 3077 noted the following four limitations of SATE:

- 1) **SATE does not generate post-order responses in the same manner as they are created in the production environment.**

The Joint CLECs note that Qwest created the Virtual Interconnect Center Knowledge Initiator (VICKI), a new system addition to SATE to address the deficiency. Nevertheless, KPMG's assessment of VICKI found that it did not support real world scenario testing – "an essential element to a complete EDI test environment."<sup>15</sup>

Qwest responds that KPMG's concerns about "real world scenario testing" will largely be addressed by Qwest's mid-May implementation of flow-through capability in SATE. With flow-through, when a CLEC sends a local service request (LSR) to Qwest, the CLEC is asking what would happen to a specific LSR if the telephone numbers, circuits, and facilities in SATE existed in Qwest's production environment and this specific LSR were sent to production. Flow-through will allow CLECs to test the exact message they would receive in production for an LSR. VICKI also allows CLECs to test message formats, messages, and maps for specific pre-determined test scenarios. To the extent VICKI is different from the production environment, this is an intended aspect of SATE's design.

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<sup>14</sup> Exception 3077 Disposition Report, April 15, 2002.

<sup>15</sup> *Id.*

Qwest maintains the FCC does not require the testing environment to be "identical" to the production environment, but only that it provide "the same key functions."<sup>16</sup> This SATE clearly does.

It appears that this aspect of Exception 3077 is not critical to SATE compliance based on the FCC's ruling in the *SWBT-Texas 271 Order*. Additionally, Qwest's planned implementation of "flow through" may resolve concerns about VICKI. But the timing of flow-through implementation will not allow for independent testing by KPMG. To assure that flow-through is implemented and performs as promised, the Board will require Qwest to report on flow-through implementation and performance in future CMP status reports.

The Board agrees that this aspect of Exception 3077 does not preclude Qwest's SATE from a showing of 271 compliance.

**2) Flow-through orders are not supported in SATE, even though these types of orders will be processed in the production environment.**

The Joint CLECs acknowledge that Qwest has promised to add flow-through to SATE. Because Qwest chose to accept this exception as closed/unresolved, KPMG reached the conclusion that the current test environment does not provide a CLEC with an accurate representation of the production environment's flow-through capabilities.

Qwest reiterates that flow-through implementation is scheduled to be completed on or before May 20, 2002. Because of timeline limitations, KPMG could

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<sup>16</sup> *SWBT-Texas 271 Order*, ¶ 138.

not test flow-through and the exception was closed unresolved. Qwest fully expects to implement flow-through as planned. Qwest notes that the FCC approved the SWBT-Texas 271 application even though flow-through and response times were not tested.

It appears the same analysis applies here as for the first aspect of Exception 3077. This aspect of Exception 3077 does not preclude Qwest's SATE from a showing of 271 compliance. As noted above, the Board will monitor Qwest's flow-through implementation and performance via Qwest's ongoing CMP status reporting.

**3) The volume of order responses supported in SATE is restricted due to manual response handling.**

The April 23, 2002, Joint CLECs' brief notes that KPMG had recommended this issue remain open until Qwest can directly address the post-order capacity restraint in SATE. The Joint CLEC Comments, filed May 6, 2002, lists the issue but appears to concede that it has been resolved. AT&T's Comments on Closed/Unresolved Observations and Exceptions, filed May 9, 2002, again lists the issue, but provides no comment about current status.

Qwest's Comments, filed May 3, 2002, state that this aspect of Exception 3077 is resolved.

Based on its understanding of the record, no further resolution of the issue appears necessary to the Board.

**4) The data contained within the order responses is not consistent, and may not mirror the data that would be found in production responses.**

The Joint CLECs note that KPMG was unable to determine whether SATE produced consistent post order responses that accurately reflect the behavior and content expected for the same transactions in the production environment. The Joint CLECs claim that Qwest chose the closed/unresolved status to avoid KPMG's scrutiny of Qwest's purported fixes.

Qwest states that it documents all known differences between IMA and SATE in the Overview section of the SATE Data Document. SATE contains all IMA-EDI generated errors that occur in production, as well as commonly triggered legacy system errors. Through the data request process, a CLEC can request that Qwest code any other legacy system errors into SATE. Additionally, Qwest has compared the errors generated from Qwest's 8.0 production EDI interface over a six-month period with the errors contained in SATE. Qwest has provided the Errors List to the CMP forum. Beginning with IMA-EDI release 9.0, Qwest generated the IMA-EDI Errors List twice per IMA-EDI release. This showing is adequate under section 271.

Had this Exception been closed as "satisfied" by KPMG, the data found in the order responses would have to "mirror" the data found in the production response. Qwest apparently could not achieve a SATE that mirrored production. The FCC does not require a BOC to provide a testing environment that is "identical to its production environment." Rather, it is sufficient for a BOC to show that "the testing and production environments perform the same key functions."<sup>17</sup> Additionally, Qwest

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<sup>17</sup> *SWBT-Texas 271 Order*, ¶ 138.

appears to provide CLECs appropriate documentation of the differences between testing and production.

The Board has determined that this aspect of Exception 3077 does not preclude Qwest's SATE from a showing of Section 271 compliance.

### **Exception 3095**

Exception 3095 was opened because the SATE does not offer CLECs testing capabilities for all of Qwest's wholesale products.

AT&T states that Qwest's response to this Exception has been two-fold: 1) CLECs can request additional products be added to SATE through the CMP process and 2) the interoperability process is an acceptable substitute for testing products that were not included in SATE. KPMG rejected both arguments. Until this is corrected, the Joint CLECs recommend a finding of noncompliance with checklist item 2.

Qwest responds that it built SATE to support every resale product and unbundled network element (UNE) offering for which CLECs had built IMA-EDI interfaces. Certain other products were not automatically included in SATE. Through the CMP redesign process, however, CLECs and Qwest have agreed upon a process to add products and make other changes to SATE.<sup>18</sup> Through the CMP process, Qwest and CLECs also jointly prioritize the SATE changes for inclusion in

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<sup>18</sup> Change Management Process, §§ 4, 5.

future EDI releases.<sup>19</sup> In addition, a SATE Users' Group, composed of representatives of CLECs, Qwest, HP, and KPMG, meets monthly as part of the CMP Forum. It gives SATE users the opportunity to provide regular feedback to Qwest and to work jointly with Qwest to develop SATE changes.

Qwest also responds that nothing in the FCC's prior Section 271 orders specifically requires a BOC to make a stand-alone test environment available for products that CLECs do not currently order via the EDI interfaces. The FCC's standard for evaluating electronic interface testing, that the testing environment be "stable" and "mirror production," is fully satisfied by SATE.

The Joint CLECs could not point to a specific FCC requirement that SATE support Qwest's products that are not currently ordered by CLEC's. It appears, however, that the CMP process has processes in place to add additional products to SATE.

Exception 3095 does not preclude Qwest's SATE from a showing of Section 271 compliance.

### **Exception 3109**

This Exception relates to Qwest's testing environment for CLECs that are building interfaces to Qwest's Mediated Access Electronic Bonding for Trouble Administration (EB-TA). EB-TA is Qwest's computer-to-computer maintenance and repair interface.

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<sup>19</sup> Change Management Process, § 10.



AT&T states that, in the testing of the EB-TA maintenance and repair interface, a CLEC must have its transactions processed through Qwest's production systems. KPMG identified two problems with Qwest's approach: 1) Qwest does not provide CLECs with a test environment that is completely separate from the production environment; and 2) the testing limits certain test scenarios. Thus, KPMG concluded that the EB-TA testing environment does not provide CLECs with a true representation of how transactions will function and respond in the production environment. AT&T maintains that the EB-TA testing environment would fail the FCC's requirement that Qwest provide CLECs with a stable testing environment that mirrors the production environment.<sup>20</sup>

Qwest responds that the FCC has never required BOCs to provide CLECs with an electronic interface for maintenance and repair activities in order to obtain Section 271 approval. Qwest points to the *Bell Atlantic New York 271 Order* (paragraph 215) where Bell Atlantic satisfied the checklist without an application-to-application interface for maintenance and repair.

Nevertheless, Qwest maintains that its test environment is more than sufficient to enable CLECs to successfully test their electronic interface with Qwest's maintenance and repair functions prior to production. This conclusion is supported by the commercial usage. For interexchange carriers, Qwest has provided EB-TA since 1996. For local service providers, Qwest has provided EB-TA since 1997. Qwest indicates that four CLECs have built into its EB-TA interface.

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<sup>20</sup> *Bell Atlantic-New York 271 Order*, ¶ 109.

Additionally, Qwest notes that KPMG tested several aspects of the EB-TA interface and found it satisfactory in every respect other than that identified in Exception 3109. KPMG determined that CLECs were able to test all of the agreed-upon scenarios and KPMG did not have criticisms of the scope or functionality of the test environment.

Both AT&T and Qwest point to the *Bell Atlantic New York 271 Order* when arguing the relevance of Exception 3109. AT&T cites paragraph 109 to argue that Qwest has failed to provide a stable "testing environment that mirrors the production environment." Qwest's citation of paragraph 215, however, is more poignant, as it indicates that the FCC overruled "AT&T's assertion that Bell Atlantic must demonstrate that it provides an integratable, application-to-application interface for maintenance and repair." It would appear from the record that Qwest has provided, albeit imperfectly, what Bell Atlantic did not provide. Although imperfect, Qwest has also shown that EB-TA is being used by CLECs.

This aspect of Exception 3077 does not preclude Qwest's SATE from a showing of section 271 compliance.

**III. BECAUSE QWEST CANNOT DEMONSTRATE A "PATTERN OF COMPLIANCE" TO ITS CORE CMP PROCESS, IT CANNOT MEET THE FCC'S FINAL REQUIREMENT.**

The Joint CLECs quote the FCC as giving "substantial consideration to the existence of an adequate change management process and evidence that the

[RBOC] adhered to this process over time."<sup>21</sup> The Joint CLECs state the requirement forms a fundamental problem for Qwest because its CMP is new and there has been little opportunity to actually adhere to the process. The Joint CLECs contend that three CMP-related Exceptions plus four additional issues, identified below, show Qwest does not meet the FCC's "pattern of compliance" standard.

### **Exception 3094**

The Joint CLEC's note that Exception 3094 stated that Qwest did not adhere to its established CMP for notifying CLECs about a proposed change. On April 4, 2002, KPMG recommended the exception be closed "unresolved." The Joint CLECs also note that KPMG reopened the Exception for limited retesting on April 25, 2002. The Joint CLECs acknowledge that Qwest's position has been that this Exception does not preclude Section 271 approval. However, Qwest fails to acknowledge that the FCC has stated that it will review each CMP on its own merits.<sup>22</sup>

Qwest contends that the FCC has focused solely on OSS systems, not product or process change management processes, in its Section 271 orders. Verizon has no formal change management process for product or process issues, yet it has received several Section 271 approvals. Southwestern Bell Telephone Company (SWBT) has a forum for process issues, known as the CLEC User Forum,

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<sup>21</sup> *SWBT-Arkansas/Missouri 271 Order*, released November 16, 2001, ¶ 40.

<sup>22</sup> *SWBT-Texas 271 Order*, ¶ 138.

but the FCC has never mentioned that forum in its discussion of SWBT's change management process.

Exception 3094 resulted from uncertainty in connection with a previous interim process for product/process changes that Qwest and CLECs developed during the early redesign sessions. The uncertainty relating to those issues has been resolved by the CMP redesign team's agreement on a process for product/process changes. Qwest has implemented the agreed-upon process. However, KPMG was unwilling to close this Exception in a resolved status because it was unable to evaluate the new process in practice.

On May 21, 2002, KPMG issued its Supplemental Disposition Report for Exception 3094. KPMG noted that it had tested the product/process portion of the Qwest CMP through April 4, 2002, when it issued its first Disposition Report. Since the CMP redesign process was not final and third party testing was concluding, KPMG was unable to conduct its testing to ensure the existence of a complete and functioning product/process CMP. On April 22, 2002, at Qwest's request, KPMG re-opened Exception 3094 to conduct further testing.

On April 25, 2002, KPMG confirmed that the draft CMP document included the revised process for Qwest-originated product/process changes. The revised process reflected changes from recent Qwest-CLEC discussions during the CMP redesign meetings. The CMP redesign agenda indicated that the collaborative meetings would continue through June 2002.

KPMG indicated the procedures for Qwest-initiated product/process changes underwent considerable revision in April 2002. Qwest and CLECs changed the number of Qwest-initiated product/process change categories from four to five and revised the criteria for categorizing such changes within defined levels. Qwest documented the revised process in the "Master Redlined" CMP document.

However, due to the relatively few notifications issued after April 16, 2002, under the new process, KPMG Consulting was unable to make a conclusive determination that Qwest adheres to the process for Qwest-initiated product/process changes. Therefore, KPMG recommended the Exception remain closed "unresolved."

It appears that this Exception addresses a "product/process" testing issue and not an OSS testing issue. Qwest's premise is that the FCC has not made product/process testing a requirement for Section 271 approval. The Joint CLECs did not meaningfully challenge Qwest's premise. The Joint CLECs could only argue that the FCC "will review each CMP on its own merits."

It would appear if product/process testing is not an FCC requirement, then the "unresolved" status of Exception 3094 should not be fatal to Qwest's CMP.

Exception 3094 does not preclude Qwest's CMP from a showing of Section 271 compliance.

### **Exception 3110**

The Joint CLECs note that one of six issues relating to the notifications, which Qwest provides to the CLECs, was closed as "inconclusive" on April 2, 2002. The Joint CLECs also note that Qwest requested limited re-testing on April 25, 2002. The Joint CLECs urge the Board to review KPMG's findings after the re-test before making a determination about Qwest's compliance.

Qwest states KPMG expressed concern that CMP managers do not employ a centralized mechanism to track and ensure that documentation release intervals are followed for upcoming software releases. However, KPMG indicated that it had "reviewed" Qwest internal process documents and verified that software and product/process documentation teams have procedures to prepare documents and distribute them in accordance with specified intervals.<sup>23</sup> Thus, KPMG was satisfied that Qwest had implemented procedures to ensure that it complies with its release notification intervals.

However, because KPMG had not observed adherence to the documented process for notification interval management, KPMG recommended that Exception 3110 be closed as "inconclusive." Qwest states it has an overall 98 percent compliance rate on its CMP obligations and has adhered to 100 percent of the OSS interface release documentation interval notification milestones to date. Qwest's record of compliance, coupled with its success in adhering to the very notification

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<sup>23</sup> Exception 3110 - Disposition Report, dated April 2, 2002.

intervals that are the subject of the Exception, demonstrate that Qwest's tracking and verification procedures are adequate.

Subsequent to the above comments, KPMG commenced re-testing focusing on Notification Issue # 6 - Lack of adequate tracking and verification of documentation intervals. Previously, this issue had been closed as "inconclusive." After re-testing, KPMG again closed the issue as "inconclusive".<sup>24</sup>

KPMG noted that it had reviewed eight software releases distributed between April 4, 2002, and May 3, 2002. The notifications included release updates for five Qwest OSS interfaces plus the retirement of IMA Release 9.0.

KPMG found that Qwest appeared to have missed the distribution date for one of the releases. Qwest, however, maintained that this release did not impact CLECs, and this release had been removed from the OSS Release Calendar.

KPMG acknowledged that, while changes in release schedules occur, there should be consistency in the flow and distribution of information to CLECs. KPMG stated it would expect the OSS Release Calendar to include the previously scheduled version of the release in the list of interfaces for "No Planned Releases."

KPMG also noted that Qwest frequently made changes to the OSS Release Calendar. Between January and May 2002, Qwest issued ten versions of the calendar, but Qwest did not immediately or consistently notify CLECs of all changes. KPMG stated that CLECs would likely face difficulties coordinating resources if

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<sup>24</sup> Exception 3110 – Supplemental Disposition Report, dated May 21, 2002.

published release dates frequently change. Thus after re-testing, KPMG was unable to conclusively verify Qwest's consistent adherence to stated CMP intervals for software release notifications.

The Joint CLECs noted this Exception only prior to re-testing. The Joint CLECs provided no specific argument why the "inconclusive" status of Exception 3110 should preclude the Board from finding Qwest overall CMP compliant for purposes of Section 271. The Joint CLECs merely asked the Board "to review KPMG's findings after the re-test before making any determinations as to whether Qwest complies."

To a large extent, re-testing identified potential discrepancies between OSS releases and Qwest's OSS Release Calendar. Thus, this aspect of Qwest's notification process may need improvement. Still, there is no indication that the FCC has ever considered such a problem to be fatal to a CMP. Nevertheless, to insure that discrepancies between OSS releases and the OSS Release Calendar are addressed, Qwest should report in future CMP status reports steps it has taken to address issues identified in Exception 3110.

Exception 3110 does not preclude Qwest's CMP from a finding of Section 271 compliance. The Board will require Qwest to report in future CMP status reports the steps it has taken to address notification issues identified by KPMG in Exception 3110.



### **Exception 3111**

The Joint CLECs note that Exception 3111 states the CMP lacks guidelines for prioritizing and implementing CLEC-initiated systems Change Requests (CRs); criteria are not defined for developing the scope of an OSS Interface Release Package. KPMG recommended that this Exception be closed "inconclusive" stating:

Qwest requested that KPMG Consulting review IMA Release 10.0 to test its applicability to the current processes since packaging for IMA Release 11.0 is not scheduled to occur until after the conclusion of OSS 271 Third Party Testing. KPMG Consulting stated in its March 27, 2002 response that there are several areas where the new prioritization and packaging process was either not established, or not followed, for IMA 10.0. Since the process was not completely established and followed for IMA Release 10.0, and packaging and prioritization for Release 11.0 is scheduled to occur beyond the completion of this Test, KPMG Consulting was unable to test adherence to the complete prioritization and packaging process for a new IMA Release.

Given the significance of prioritization and packaging processes in allocating IT resources and managing overall changes applied to Qwest Wholesale OSS interfaces, KPMG Consulting cannot reach a definitive conclusion regarding current processes without verifying the participants' adherence. Qwest requested on April 3, 2002, that KPMG Consulting conduct no further testing related to this Exception. Qwest recognized that this will not allow KPMG to observe Qwest's adherence to the complete end-to-end prioritization and packaging processes for a single major system release.

The Joint CLECs note that Qwest's position is that the issues raised by KPMG did not prevent KPMG from observing Qwest's adherence to the various aspects of

the prioritization and packaging process. The Joint CLECs maintain that Qwest has offered nothing new except to assert the opposite of KPMG's belief.

Qwest notes that KPMG indicated that it had "verif[ied] that Qwest had adequately addressed each of the five issues raised in the Exception through documentation modifications and enhancements to the process."<sup>25</sup> KPMG observed the prioritizing and packaging process for IMA Releases 10.0 and 11.0. However, because it observed portions of the processes for each release, KPMG believed that Qwest did not comply with the CMP processes because: 1) Regulatory Changes were not prioritized for IMA Release 10.0; 2) Qwest did not provide CLECs with total capacity information prior to the prioritization votes on IMA 10.0; and 3) Qwest did not participate in the prioritization process for IMA 10.0.

Qwest maintains the issues KPMG raised did not prevent it from observing Qwest's adherence to the various aspects of the prioritization and packaging process. However, because KPMG had not observed Qwest's adherence to the complete end-to-end prioritization and packaging process for a single major system release, KPMG recommended that this Exception be closed as "inconclusive." KPMG has already observed Qwest's adherence to each phase of the prioritization and packaging processes for major system releases that were in place and agreed to via CMP at the time of executing the process. These observations demonstrated Qwest's compliance with the process. No further showing is necessary.

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<sup>25</sup> Exception 3111 - Disposition Report, dated April 2, 2002.

The "inconclusive" status of Exception 3111 is a reflection that KPMG could not observe Qwest's adherence to the complete end-to-end prioritization and packaging process for a major system release. The adherence KPMG was able to observe appeared to be "piece-meal" rather than end-to-end. Qwest maintains that KPMG found no problems with the individual pieces of the process, and this shows the process to be compliant. The Joint CLECs could not point to any FCC ruling indicating an "inconclusive" status for a similar Exception would fatal to a CMP.

The "inconclusive" status of the Exception 3011 does not preclude Qwest's CMP from Section 271 compliance.

#### **Additional "Pattern of Compliance" Issues**

**1) Qwest's Fails to Adhere to its Notification of Retail Changes/Retail Parity Process.**

The Joint CLECs state that Qwest has not adhered to its process for notifying wholesale customers of retail changes. In approximately March of 2000, Qwest informed CLECs that it could not provision integrated services digital network (ISDN) loops where there was integrated pair gain (IPG) on that loop.<sup>26</sup> As a consequence, certain CLECs determined that they would not place orders for ISDN loops where IPG was present. In March 2002, CLECs learned that Qwest could provision retail ISDN loops with IPG. Qwest never notified its wholesale customers of this retail

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<sup>26</sup> Affidavit of Sheila Hoffman (Covad), filed April 23, 2002.

product/process change as required by Qwest's policies, procedures, and oral statements during the redesign meetings.

Qwest states there is no basis for the claim that Qwest could not provision ISDN loops with IPG. While Qwest initially experienced difficulties with the provisioning of loops for digital subscriber loop (DSL) services, Qwest's held order group worked directly with the CLECs, including Covad, throughout 2000 to implement alternative solutions. Qwest met with Covad regarding this issue in February and April of 2000. Moreover, Qwest began provisioning ISDN loops with IPG for Covad in early 1999 and continues to do so. Thus, contrary to the statements in the Hoffman affidavit, Covad has ordered and Qwest has provisioned ISDN loops with IPG continuously for more than three years.<sup>27</sup>

Qwest has provisioned 15,143 ISDN loops for at least six different CLECs across its region. Of those loops, Qwest has provisioned 2260 ISDN loops, or approximately 15 percent, with IPG for CLECs, including Covad.<sup>28</sup> In contrast, Qwest provisioned only 2302 DSL retail loops across the region.<sup>29</sup> Thus, Qwest has provisioned for retail customers only 15 percent of the total DSL loops provisioned for CLECs. These facts establish that Qwest has not violated its obligation to provide nondiscriminatory access to ISDN loops regardless of the presence of IPG.

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<sup>27</sup> Affidavit of Robert J. Hubbard (Qwest), filed May 3, 2002.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

Qwest has provided convincing evidence to refute the Joint CLECs' allegations that Qwest did not provision wholesale services at parity with retail services or that a notification violation occurred.

**2) Qwest Fails to Adhere to its Timing of Notification of CLEC-Impacting Changes Process.**

The Joint CLECs state that the timing of the advance notice requirements for Qwest-initiated product/process changes was finalized on April 1, 2002. Each category of Qwest-initiated product/process change would be designated as a Level 1 – 4 change. Level 1 changes would require the least amount of notice, while Level 4 changes would require the most amount of notice.

The Joint CLECs contend that Qwest failed to adhere to the notification requirements on April 4, 2002, when Qwest issued a notice effective the same day. This was a Level 3 change - meaning notice should have been provided at least 31 days in advance. Thus, despite implementing notice requirements on April 1, Qwest disregarded them just three days later.

Qwest asserts the Joint CLECs are attempting to recast Qwest's actual compliance as a failure to comply. The April 4, 2002, notification was not a "Qwest-initiated product/process change." It was an "event notification" of a production support issue involving NC/NCI code changes. Such changes are not subject to the CMP notice requirements. Nevertheless, Qwest provided initial notification on

March 4, 2002. Therefore, Qwest provided 31 days notice prior to its "event notification."<sup>30</sup>

Attachment 3 to the Schultz Affidavit clearly indicates that CLECs were provided 31 days notice. The Joint CLECs have failed to make a credible showing that Qwest failed to adhere to CMP notification requirements.

**3) Although the Failure to Lift the Freeze on Local Service Issue Has Proceeded through CMP, No Effective Process Exists.**

The Joint CLECs argue that Qwest implemented the local service freeze without first establishing a functioning process for removing the freeze when end users seek to change local carriers. The Joint CLECs state they have repeatedly encountered "help desk" and "escalation" personnel at Qwest with no idea how to resolve the problem. The Joint CLECs contend that the CMP, functioning in this manner, is anticompetitive and denies CLECs a meaningful opportunity to compete.

In its May 3, 2002, comments, Qwest argued that a viable local service freeze removal process had been in place for many months. However, on May 13, 2002, Qwest filed a clarification that it does not offer local service freezes in Iowa.<sup>31</sup>

Neither the Joint CLECs' May 6, 2002, nor Qwest's May 3, 2002, CMP filings took notice that the Board had previously prohibited the implementation of local service freezes in Iowa.<sup>32</sup> The Board has previously acted to prohibit local service freezes. This is no longer an issue in Iowa.

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<sup>30</sup> Affidavit of Judith M. Schultz (Qwest) and Attachment 3 to Schultz Affidavit, filed May 3, 2002.

<sup>31</sup> Qwest Corporation's Clarification Regarding its May 3, 2002 Comments on Change Management, Docket No. INU-00-2, filed May 13, 2002.

<sup>32</sup> *Final Decision and Order*, Iowa Utilities Board, Docket No. FCU-02-1, issued April 3, 2002.

**4) Qwest Has Not Adhered to the Production Support Process.**

The Joint CLECs state that Qwest failed to observe the redesigned CMP Production Support process in connection with Incident Work Orders (IWO) 2127 and 2128 in Arizona. When Qwest became aware of these systems problems, it should have opened an IT Trouble Ticket and notified CLECs. The Production Support process has at least two purposes: 1) to resolve the trouble, and 2) to communicate with the CLEC community about the trouble and its resolution. In these cases, Qwest did not issue the notifications.

Qwest acknowledges that the Joint CLECs identified a single circumstance in which Qwest failed to notify CLECs of systems problems. The third-party tester in Arizona identified issues relating to the information Qwest sends to CLECs in the daily usage feed (DUF). Under normal circumstances, a CLEC would contact Qwest's help desk and open a trouble ticket to report such issues. However, because the issues arose during the third-party test, the tester notified Qwest of the issues through the IWO process established for purposes of the OSS test. While the closure of the trouble ticket would ordinarily trigger Qwest's issuance of a production support notification, these DUF issues arose during the third-party test, outside of the normal CMP process. Accordingly, the production support notification was not triggered.

Qwest states it's important to consider that, despite this isolated occurrence, Qwest has more than a 98 percent compliance rate for its production support obligations.

Qwest acknowledges there was a circumstance of non-compliance, which occurred outside of the normal CMP process in the Arizona third-party OSS test. The Joint CLECs would like the Board to find Qwest's overall CMP non-compliant based on this occurrence. Implicitly, the Joint CLECs seem to hold that Qwest's CMP must be "perfect." The FCC, however, does not require perfection in CMPs. Throughout its orders, the FCC has evaluated the "adequacy" of a BOC's CMP.<sup>33</sup> CMPs are adequate as long as they allow "an efficient competitor a meaningful opportunity to compete."<sup>34</sup>

The question for the Board to consider now, and for the FCC to consider later, is whether Qwest's CMP is adequate based on problems uncovered in testing. Qwest indicates that it has achieved more than a 98 percent compliance rate for its production support obligations. Such performance would appear to allow an efficient competitor a meaningful opportunity to compete, and it would appear to satisfy FCC's criteria of "adequacy."

The Board has determined that Qwest's overall compliance rate for its production support obligations appears to satisfy the FCC's criteria of "adequacy."

**IV. BECAUSE QWEST CANNOT DEMONSTRATE THAT IT ADHERES TO ITS PRODUCT/PROCESS CMP PLAN AND BECAUSE ITS TECHNICAL PUBLICATIONS ARE NOT CONSISTENT WITH ITS SGAT, IT CANNOT PROVE THAT IT COMPLIES WITH ITS SGAT.**

The Joint CLECs note that Qwest has not completed the work of making its

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<sup>33</sup> See for example, *SWBT-Texas 271 Order, Change Management Process*, ¶¶ 105-131.

<sup>34</sup> *Id.* ¶ 105.



technical publications and its product catalogs (PCAT) consistent with the SGAT. Before approving Qwest's 271 application, the Board should require Qwest to complete its revisions to Technical Publication 77391 on UNE Switching.

Qwest states that it has finished making its technical publications consistent with the SGAT except for Technical Publication 77391. Technical Publication 77391 was posted to the CMP website in December 2001 so CLECs could review and comment on Qwest's proposed changes. AT&T submitted comments suggesting several changes. Qwest has agreed to incorporate changes based on AT&T's comments into Technical Publication 77391.<sup>35</sup>

The Board has addressed this issue three times in previous Conditional Statements.<sup>36</sup> In the first two cases, the Board affirmed that the terms and conditions of the SGAT would prevail over Qwest's other technical documents. The Board also affirmed that if an actual controversy were to arise between a party and Qwest, after the SGAT has been adopted, a resolution by the Board could be sought.

The third time the Board addressed the issue it endorsed the following language for SGAT section 2.3:

Unless otherwise specifically determined by the Board, in cases of conflict between the SGAT and Qwest's Tariffs, PCAT, methods and procedures, technical publications, policies, product notifications or other Qwest documentation relating to Qwest's or CLEC's rights or obligations under this

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<sup>35</sup> Affidavit of Robert J. Hubbard (Qwest), filed May 3, 2002.

<sup>36</sup> See *Conditional Statement Regarding May 15, 2001, Report*, issued October 12, 2001, Single Points of Interconnection in Each LATA pp. 11-13 and "Product" Approach to Collocation pp. 15-18. Also see *Conditional Statement Regarding General Terms and Conditions and Order Regarding Change Management Comments*, issued March 12, 2002, Conflicts Between the SGAT and Other Documents pp. 11-18.

SGAT, then the rates, terms and conditions of this SGAT shall prevail. To the extent another document abridges or expands the rights or obligations of either Party under this Agreement, the rates, terms and conditions of this Agreement shall prevail.

It does not appear that the Board needs to address this issue further. It also appears that Qwest has nearly completed the task of eliminating conflicts between the SGAT and its technical publications.

The Board has fully addressed the issue previously and provided appropriate safeguards for CLECs. No further action is necessary at this time.

#### **SUMMARY**

The Board rejects the various arguments of the joint CLECs and AT&T, and indicates at this time that Qwest has conditionally satisfied the requirements relating to its CMP. This conditional statement indicating these requirements are satisfied is subject to the same limitations noted in previous conditional statements related to other proceedings and processes.

**ORDERING CLAUSE**

**IT IS THEREFORE ORDERED:**

Any responses to this statement and all future filings and Board orders or statements in this docket must be filed no later than close of business on the third business day following the filing or issuance.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Sharon Mayer  
Executive Secretary, Assistant to

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 6<sup>th</sup> day of June, 2002.